

**Ravalli County Planning Board
Meeting Minutes for June 6, 2007
7:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting

Discussion and Recommendation on Planning Board Bylaws
Planning Board Involvement in Subdivision Review

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting
may be purchased from the Planning Department for \$5.00.*

1. Call to order

Maura called the meeting to order at 7:00 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
Phil Connelly (absent – excused)
Ben Hillicoss (absent – excused)
Dan Huls (present)
JR Iman (present)
Lee Kierig (present)
Maura Murray (present)
Chip Pigman (absent – excused)
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Jennifer DeGroot
Shaun Morrell
Renee Van Hoven

3. Approval of Minutes

Maura asked if there were any corrections or additions to the minutes from May 16, 2007. There were none. The minutes were approved as presented.

4. Amendments to the Agenda

There were none.

5. Correspondence

Jennifer noted that the Board received comments from Phil Connelly about the Planning Board Bylaws. (See Attachment B, Email from Phil Connelly)

6. Public Meeting

(A) Discussion and Recommendation on Planning Board Bylaws

(i) Public Comment

There was none.

(ii) Board Discussion

Maura read Phil's proposed changes to the Planning Board Bylaws aloud. (See Attachment C, Draft Amendments to the Planning Board Procedures and Administration) She noted that his first recommendation was to clarify that the word "committee" only applies to committees of the Planning Board.

After discussion, **Dan** suggested clarifying the committees by adding "Planning Board" to Section 8(g)(6). The Board concurred.

The Board discussed Phil's suggestion to have a majority of the Board members present at a meeting approve an appointment by the President. They agreed not to include this recommendation because the appointment is usually by consensus and it is hard enough to get people to serve on subcommittees.

Maura read Phil's suggestion to remove Section 8(g)(9), which says the President will perform "other activities as assigned or undertaken." She noted that this section is vague on purpose so it can act as a catchall if something comes up.

JR agreed and stated that Board members have no authority to act without the approval of the Board.

Maura asked for comments on Phil's suggestion to include a Board Officer removal process.

Mary Lee noted that all Board members serve at the discretion of the BCC.

Dan pointed out that the majority of Board members voted for Board officers at the beginning of their terms.

The Board agreed not to include a Board Officer removal process. They also agreed to change all instances of "chairman" to "chairperson" and to fix a minor punctuation error, per Phil's recommendation.

Dan moved to adopt the Planning Board Bylaws as edited. (See Attachment D, Planning Board Bylaws with Planning Board Revisions)

Mary Lee seconded the motion.

(iii) Board Decision

The vote was called; the members voted (7-0) to adopt the Planning Board Bylaws as edited.

(B) Planning Board Involvement in Subdivision Review

(i) Staff Presentation

Shaun gave a brief overview of proposed changes to the Subdivision Screening Committee Process. He noted that at prior screening committee meetings, applicants came for a five-minute meeting where the decision was already clear. He explained that the proposed amendments are designed to focus the Board's attention on large subdivisions, not small ones. In addition, he stated that a threshold of 21 lots or more would be required for review unless Staff noted significant issues. He explained that the goal of the changes is to reduce the scope of the Screening Committee. (See Attachment E, Memo from Shaun Morrell on the Subdivision Screening Process dated May 30, 2007)

(ii) Public Comment

There was none.

(iii) Board Discussion

Les asked if the chairperson of the Screening Committee would have reviewed the application at the time a Staff member called him to waive the Screening Committee meeting.

Shaun said the chairperson would not, but the planner could describe it over the phone. He said that if the chairperson was uncomfortable, that person could see the application.

Dan asked how major streams will be defined. **Shaun** said that if it is in the internal GIS system, that could be considered major. **Renee** noted that the Subdivision Regulations refer to streams that drain an area of 15 square miles or more.

Dan suggested defining the stream as "perennial" instead of major.

Bob said he agreed with some changes, but thought it would be hard for the Planning Board to make a judgment on the new process without seeing which subdivisions came through the Screening Committee. He stated that they could put off the decision until they started reviewing the subdivisions.

Mary Lee said that the Screening Committee meeting the prior week was embarrassing. She noted that Staff is professional and they could eliminate some quagmire and judge what is important for the Board to review. She said that the new process is broad enough so that when something does come up, it will go through the Screening Committee.

Bob said that he thought the Board wanted to see any subdivision that has over 100 lots or is in the floodplain. He was concerned about requiring two criteria and recommended using it as a guide.

Maura recommended changing language in Section 1 paragraph 3 so that the review would be "based on the following conditions."

Bob noted that the gray subdivisions are the ones that need Screening Committee review.

JR recommended that Staff err on the side of caution when forwarding subdivisions to the Commissioners because they could be liable if the Planning Board should have reviewed it.

Les moved to approve the Subdivision Screening Process as proposed by Staff and amended by the Board.

Dan seconded the motion.

(iv) Board Decision

The vote was called; the members voted (7-0) to adopt the Subdivision Screening Process as amended.

7. **Communications from Staff**

(A) **Sapphire Country Estates Lot 2-E Material Modification to a filed Subdivision Plat**

Renee noted that John sent a request for comments to the Planning Board. She noted that material modifications to a final plat are allowed under a process in the new Subdivision Regulations. In this case, a plat has been filed and the applicant wants to change it by allowing outbuildings in a no-build zone. She noted that the lawyer is proposing to add another covenant, but Staff is not going to recommend approval. She explained that the way to change covenants is to receive approval of all the lot owners in the subdivision. The applicant wants to bring the issue to the County Commissioners. (See Attachment F, Sapphire Country Estates, Lot 2E, Material Modification Request for Agency Comments Letter)

Dan asked how many lots are party to the covenants.

Renee replied there are five total. The owner of the property is the original subdivider.

Bob asked how the owner would access the outbuilding(s).

Dale explained that the road is at a lower elevation and heads east. The houses are located on a bench.

Maura asked if anyone knew why it was designated as a no-build/alteration zone.

Renee stated that it was a lower area and had high groundwater.

JR said that the question is if he can have outbuildings. He did not like the idea of precluding someone from using a large percentage of his acreage.

Renee explained that the original restriction was on the plat and in the covenants. The applicant cannot get all of his neighbors to amend the covenants.

Lee asked about the Planning Board's role in this process.

Renee stated that they are an interested agency and asked for comments.

Lee said that he did not know what kind of land it was, but thought he may want some animals in the area or a hayshed.

Mary Lee stated that the neighbors bought into the neighborhood thinking that those outbuildings were not going to be there. She noted that he was the subdivider.

Lee suggested that the subdivider knew the restrictions at the time, but wants to change them now.

Dan asked why a no-build/alteration restriction would be in the covenants.

Renee replied that now Staff places no-build/alteration zones in the notifications, not the covenants. She noted that there is a no-build zone on the plat, but a no-build/alteration zone in the covenants.

Lee asked if the developer offered to include a no-build zone as a nicety or if the condition was imposed by Staff.

Dan stated that normally, no-build/alteration zones came as a Staff recommendation for some reason.

Renee stated from reading the minutes, it seemed to be a high groundwater issue.

Lee stated that maybe the intent was to restrict dwellings.

Les suggested that Staff use the Subdivision Regulations to fix the issue.

Dale stated that this would only affect one person's view, the owner of Lot 2-D. He stated that there are nice houses in the area and this outbuilding would be down on the river bottom, perhaps in a floodplain.

JR said that the conservation district has a major project on Sweeney Creek to the south of this property. He stated that he does have a problem with an improved structure in high groundwater area. He asked where the 500-year floodplain was located. He stated he would approve the outbuilding as long as it is not a dwelling structure because the person should be able to do something with his land. He noted that the concern at that time may have been for him not to build a house in the low area and pump septic up to dry land. He noted that at that time, the definition of a no-build zone did not include the restriction of outbuildings.

Lee stated that it appears the landowner is trying to skirt around getting permission from the other landowners.

Maura stated that even if he changed the plat, it would not be a green light for the applicant.

Dan explained that covenants are enforced civilly and the County has nothing to do with it. He noted that the request seems reasonable and if people do not like it, they could sue the applicant.

Renee noted that the Commissioners are party to the covenants and the applicant has to get approval from both the Commissioners and neighbors.

Dale stated that he cannot tell a noticeable drop in property and that the person may want to have a barn or machine set.

Renee asked if the Planning Board wanted to continue seeing these types of situations.

Maura said she would and noted it is a good learning experience.

Dan replied that he would if it is helpful to the Commissioners.

Maura said it helps the Board keep aware of issues during zoning.

JR stated that the person responded to the rules in place then. He noted that if the conditions or interpretations have changed, the Board needs to consider that. He noted that some Planning Board members have been on the Board for a long time and bringing these situations to the Board allows Staff to bounce ideas off them.

Lee stated that this seems akin to a variance request and there may be a reasonable way to grant the variance to allow the applicant to use the land productively.

JR stated that he developed some subdivisions 12 years ago and at that time, he was allowed to have a house and an attached or detached guest house, as long as they were both on the same septic. He stated that now the rules have changed and the owners had to get a variance from the County when they replaced the septic system. He stated that the County needs to be flexible enough to realize that what may have been a good idea in the past, may have a different interpretation now.

Renee noted that things change and Staff looks at each project individually.

Bob asked the status of the next round of countywide zoning meetings.

Renee stated that Karen is meeting with Staff the following day to discuss that subject and noted that the Department has been delayed because of a lawsuit.

Lee said he thought Karen asked the Board to comment on the Attorney General's letter.

Other Board members did not think that she asked for comments.

Lee said that he would like to see clustered developments and thought the original interpretation of the interim zoning regulation was correct.

Renee noted that the County has not changed its interpretation from minimum lot size.

JR thought that the Attorney General told the County to figure out what they should do because he did not want to get involved.

8. Communications from Public

There were none.

9. **Communications from Board**

Mary Lee noted that she attended a firewise conference recently and passed on the information for John Lavey, who is working on WRI standards. She stated that she worked with others to create WRI standards to protect homes from fire damage.

Les asked to introduce a topic for the next Planning Board meeting. He is working on a proposal for a study of population growth and its management. He hopes to have the proposal completed well before the next meeting and stated he would email it to the Board.

Lee stated he met with Commissioner Chilcott about the density maps he created and noted that Commissioners were receptive to the idea. He recommended that the County comes to the community with an overall statement about growth, the growth policy, etc. Commissioner Chilcott said he would write a statement to use in that regard.

Les asked if Karen was arranging a meeting for presentation of the final draft of zoning regulations and related documents before the Planning Board as a test run. He noted that Karen requested that comments on the draft zoning regulations be sent to her via email. He thought that when the nuts and bolts meetings were scheduled, the draft documents would be discussed publicly.

Bob said that Karen said she planned to schedule a time to meet with the Planning Board to discuss the draft documents.

Mary Lee expressed concern that there has not been a Darby representative on the Planning Board for six months. She asked the Board to admonish the Commissioners to appoint someone to the Board and noted that she knows people in that district have applied.

The Board agreed to request that the Commissioners appoint a Darby representative to the Board.

10. **New Business**

(A) Appointment of New Subdivision Screening Committee Member

Dale offered to serve as the new member. **Maura** appointed Dale Brown to the Subdivision Screening Committee and noted that she will serve as the chairperson this month.

11. **Old Business**

There was none.

12. **Next Regularly Scheduled Meeting: June 20, 2007 at 3:00 p.m. - TBA**

13. **Adjournment**

Maura adjourned the meeting at 8:09 p.m.